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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,157	01/22/1999	JOSHUA SUSSER	50253-217	5105

7590 01/13/2003

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EXAMINER

BANANKHAH, MAJID A

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 01/13/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/235,157

Applicant(s)
Susser et al.

Examiner
Majid Banankhah

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2127



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 21, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 30-54 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 30-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓ ✓
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13, 17,
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. This final office action in response to paper number 14, request for reconsideration, filed on October 21, 2002. Claims 1, and 30-54 are presented for examination.

2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior Office action.

2. The terminal disclaimer filed on October 21, 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the any patent granted on pending Second Application number 09/235,159, filed on January 22, 1999, has been reviewed and is accepted. The terminal disclaimer has been recorded.

3. Claims 1, and 30-54 are rejected under 35 U.S.C. § 103 as being unpatentable over Montenegro (U.S.Pat No. 6,233,688).

The reference of Montenegro teaches of:

- a processing device (UNIX, PC, or a Mac, col. 7, lines 1-24);
- memory (Fig. 1A, RAM, ROM and ..., col. 7, lines 1-24);
- a firewall for isolating one program module from at least

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other program module (security and isolation that can be provided by a gateway or firewall, col. 3, lines 15-29);

- an entry point object for permitting one program module to access another program module across said context barrier ("http" URL designates the entry point through the firewall, col. 6, lines 1-6, "A RAFT URL mechanism would allow a remote node 610 to traverse into gateway/firewall". And later "RAFT URL is passed to a socket factory generated by some application running in memory 614 and executed by processor", col. 8, lines 25-60).

The reference of Montenegro fails to explicitly teach of "context barrier for isolating one program module from at least one other". However, it is notoriously well known in the art that "firewall" is used for isolating one program module from another program module, for the reason that client application have access to private resource in a secure manner. Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to use an isolating mechanism such as "firewall" as a means for isolating one program module from another program module.

4. Applicant's argument is construed as challenging to Examiner's "Official Notice" of matters "well known" in the art. Therefore, in compliance with M.P.E.P 2144.03, Examiner provide

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evidence in support of the Office action in light of this challenge. According to that section of M.P.E.P, if the examiner adds a reference to the rejection in the next action after applicant's rebuttal, the newly cited reference, if it is added merely as evidence of the prior well known statement, does not result in a new issue and thus the action can be made final. The evidence is the U.S. Patent No. 4,916,704, issued to Bruckert et al. In that invention, Bruckert teaches of **firewall for preventing a first kind of module (non-fault tolerant input/output module) from initiating transfer of data to the fault tolerant data processing module** (See Bruckert et al. Abs., also col. 2, lines 35-38, and **firewall means for preventing said non-fault tolerant input/output module from initiating transfers of data to said fault tolerant data processing module**. Also see, Fig. 20A, element 1000, and 1010).

Additionally, the U.S. Patent No. 6,041,041, issued to Ramanathan et al. Teaches of **internal web server and other ISS's server which pass information via firewall** (FIG. 8, these three measurement routes all pass through the firewall 63. The measurement route 90 measures the status of the other ISS's web server 56 via the firewall 63 and the proxy servers 67. The route

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91 is only via firewall 63. The measurement route 92 measures the response time to an Internet web server Internet 55 via the firewall 63, col. 13, lines 3-21). This clearly indicate that isolating one program module from another program module (internal web server from other ISS's web server) is well known in the art at the time the invention was made.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO 892 for pertinent references.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE The application has been amended as follows: ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Maid A.**

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Banankhah whose voice telephone number is (703) 308-6903. A voice mail service is also available at this number.

All response sent to U.S. Mail should be mailed to:
Commissioner of Patent and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington. VA, Six Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses to the Examiner.

All Formal or Official Faxes must be signed and sent to either (703) 308-9051 or (703) 308-9052. Official faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the office, e.g., Finance Division for fee charging, etc.

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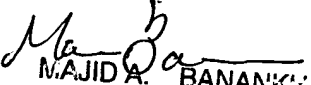
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Maid Banankhah

January 12, 2003


MAJIDA A. BANANKHAH
PRIMARY EXAMINER